United States Court of Appeals

for the Second Circuit

BRIEF FOR APPELLANT

76-6078

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P/S

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

LILLIAN GOLDBERG,

Appellant,

-against-

CASPAR WEINBERGER, Secretary of Health, Education, and Welfare,

Appellee.

APPELLANT'S BRIEF

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STATUTES

42 U.S.C. §402 Widow's Insurance Benefits (e)(1)
The widow (as defined in §416(c) of this title) and every surviving divorced wife (as defined in §416(d) of this title) of an individual who died a fully insured individual, if such widow or such surviving divorced wife -
(A) is not married,
(B) (i) has attained age 60, or (ii) has attained age 50 but has not attained age 60 and is under a disability (as defined in §423(d) of this title) which began before the end of the period specified in ¶(5), shall be entitled to a widow's insurance benefit for each month .....

42 U.S.C. §402 Widow's Insurance Benefits (e)(4)
If a widow, after attaining the age of 60, marries ..., such marriage shall, for purposes of subsection (1) of this subsection, be deemed not to have occurred; except that ... such widow's insurance benefit for the month in which such marriage occurs and each month thereafter prior to the month in which the husband dies or such marriage is otherwise terminated, shall be equal to one-half of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based.

TABLE OF AUTHORITIES

SUMMARY OF ARGUMENT

A reversal of the District Court judgment should be granted in favor of the appellant as the result of an estoppel issuing against the government, enjoining it from applying §202(e)(1)(A),(B) and (e)(4) of the Social Security Act (42 U.S.C. §402(e)(1)(A),(B), and (e)(4)) to the appellant who relied in good faith to her detriment on a misrepresentation of a local Social Security office employee concerning the effects of appellant's remarriage on the receipt of her widow's disability insurance benefits. The estoppel should issue since all the elements for invoking estoppel are present, justice and right require it, it would work no harm against the government nor will it conflict with public policy nor the true intent of the statute.

In the alternative, a declaratory judgment should be granted holding §202(e)(1)(A),(B) and (e)(4) of the Social Security Act, 42 U.S.C. §402(e)(1)(A),(B) and (e)(4), regulating widow's disability insurance benefits, unconstitutional because it violates the equal protection and due process clauses of the Constitution, an individual's right to privacy and freedom of association by arbitrarily discriminating on the basis of marital status and age.

Appellant should receive the payments due her in the appropriate amount dating from July, 1972 to the present and continue to receive such payments.

STATEMENT OF THE CASE AND OF THE FACTS

Appellant (hereinafter plaintiff) LILLIAN GOLDBERG, age 64 (A-60)* had been receiving widow's disability insurance benefits since 1969, following the death of her first husband, Murray Kaufman, on February 12, 1969 (A-45). In 1972, plaintiff sought to remarry. Before doing so, she contacted a local Social Security District Office by telephone to inquire whether her eligibility for benefits or the amount of her benefits, would be affected if she were to remarry. She was informed that her benefits would continue, but in a reduced amount (A-9).

Relying upon the information provided by the Social Security employee, plaintiff did remarry on May 21, 1972 (A-10). In July, 1972, plaintiff's benefits were terminated rather than reduced. As plaintiff was subsequently informed, the information she was given by the Social Security office was incorrect. In fact, the Social Security Act provides that widows who remarry after attaining age 60 will have their benefits reduced.** However, the benefits of widows who re-

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*All such references throughout this Brief are to the Appendix filed by the plaintiff in this case pursuant to §30(2) of the rules of this Court.

**§202(e)(4) of the Social Security Act, 42 U.S.C. §402(e)(4).

marry prior to age 60 are terminated.* Thus, plaintiff, who remarried only 55 days prior to her sixtieth birthday, July 15, 1972, lost her benefits.

After a hearing, the Administrative Law Judge found that plaintiff had relied, to her detriment, upon a misrepresentation of an employee of the local Social Security office (A-10). There is no dispute between the parties concerning the facts in this action.

Plaintiff pursued the administrative remedies available to her before bringing an action for judicial review of the Secretary's determination denying the benefits in the United States District Court for the Eastern District of New York. Plaintiff alleged in this action that the government should be estopped from asserting the relevant statute in light of her detrimental reliance on the misinformation she had received. In the alternative, plaintiff alleged that said statute was unconstitutional.

In an opinion and order dated April 1, 1976, the Court, per the Hon. Thomas C. Platt, U.S.D.J., granted defendant's motion for summary judgment and denied plaintiff's cross-motion in all respects. The opinion is not officially reported.

A notice of appeal to this Court was filed on April 29, 1976.

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*§202(e)(1)(A) and (B)(ii) of the Social Security Act, 42 U.S.C. §402(e)(i)(A) and (B)(ii).

QUESTIONS PRESENTED

When a 59-year-old woman receiving Social Security disabled widow's benefits was advised by an agent of the local Social Security office that upon remarriage her benefits would be continued but at a reduced amount, and when upon that advice the woman remarried 55 days before her 60th birthday, and when as a consequence of remarriage, her benefits were terminated:

(1) Was it error for the District Court to hold that estoppel cannot be set up against the government on the basis of such a representation of one of its agents?

(2) Was it error for the District Court to hold that Section 202(e)(1)(A),(B) and (e)(4) of the Social Security Act (42 U.S.C. §402(e)(1)(A),(B) and (e)(4)) does not violate the Equal Protection and Due Process Clauses of the United States Constitution although it establishes an arbitrary distinction for eligibility for Social Security widow's benefits.

POINT I

EQUITABLE ESTOPPEL AGAINST THE GOVERNMENT IS APPROPRIATE WHEN DENYING ESTOPPEL WOULD VIOLATE ELEMENTARY CONCEPTS OF JUSTICE AND WHEN GRANTING ESTOPPEL WOULD PREVENT INJURY TO THE INDIVIDUAL WITHOUT UNDULY HARMING THE PUBLIC INTEREST

Estoppel against the government had been traditionally disfavored. The leading cases held that:

> [T]he United States is neither bound nor estopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not permit. Utah Power & Light Co. v. United States, 243 U.S. 389 (1916) at 409.

See, Federal Crop Ins. Corp. v. Merrill, 332 U.S. 380 (1947). The rationale for a policy against estopping the government is rooted in the concept of sovereign immunity, Fox v. Morton, 505 F.2d 254 (1974) at 256 and has had a two-fold purpose. First, there is a necessity of preventing the unauthorized acts of government employees from thwarting the Congressional will and purpose by varying the law. Second, there is the obligation of the government to give priority to the general welfare over the private welfare of an individual.

However, there is no prophylactic rule that the government cannot be estopped. Such is the case simply because there are instances in which neither Congressional purpose nor the public interest will be subverted by such an estoppel.

Furthermore, it has been recognized that refusal to estop the government may so violate the concept of elementary justice that justice and fair play require estoppel. Moser v. United States, 341 U.S. 41 (1951); United States v. Lazy FC Ranch, 481 F.2d 985, 988 (9th Cir. 1973).*

In light of the fact that few individuals or corporations, if any, can, today, escape numerous dealings with the government and its agents, United States v. Georgia-Pacific Co., 421 F.2d 92 (9th Cir. 1970), the more recent decisions have adopted a less rigid stance regarding estoppel of government.** Where the government's wrongful conduct threatens to work serious injustice and the public interest would not be unduly damaged, the imposition of estoppel is appropriate. Moser v. United States, supra; United States v. Wharton, 514 F.2d 406 (9th Cir. 1975) at 412-13; Fox v. Morton, supra, at 256; United States v. Lazy FC Ranch, supra, at 989; Brandt v. Hickel, 427 F.2d 53 (1970); Schuster v. C.I.R., 312 F.2d 311 (9th Cir. 1973).

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*In this regard, this Circuit has recently expressed the belief that the holding in Merrill, supra, was substantially undermined by the holding in Moser, supra. Corniel-Rodriguez v. I.N.S., 532 F.2d 301, 305, n. 15 (2nd Cir. 1976).

**For a discussion of the emerging trend of balancing equities in cases involving government estoppel, see, Note, Emergence of an Equitable Doctrine of Estoppel Against the Government - the Oil Sale Cases, 46 U. Col. L. Rev., 433 (1975).

In order to determine whether justice and fair play require estoppel, this Court has recently called for a careful weighing of the equities in the context of the particular case. Corniel-Rodriguez, supra, at 306. In that case, the appellant challenged a deportation order on the basis that immigration officials failed to warn her at the time she secured an immigration visa, that marriage before leaving her native country, the Dominican Republic, would invalidate the visa. 22 C.F.R. §42.122(d) required that immigration officials supply this warning. The appellant, who married three days before leaving her native country, contended that had she known the consequences, she would not have married before leaving the Dominican Republic but would rather have met and wed her fiance in Puerto Rico after immigrating to the United States. Chief Judge Kaufman, writing for the Court, found that the failure to warn the appellant was "as fully misleading as the misinformation given to Podea* and certainly as unjust and as seriously prejudicial to her interests." Id. Podea and Corniel-Rodriguez make clear that the giving of misinformation can occasion an estop-

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*In Podea v. Acheson, 179 F.2d 306 (2nd Cir. 1950), Podea joined the Romanian Army after an erroneous State Department ruling that he had lost his American citizenship by prior acts. When the original ruling was found to have been in error, this Court reversed a lower court determination that Podea had lost his citizenship by serving in a foreign army although the letter of the law clearly called for such a result.

pel against the government where manifest injustice has been occasioned by the government's own failure. Id., at 307.

If then, failure to grant an estoppel would result in manifest injustice and the public interest will not be unduly affected, an estoppel can issue against the government provided the conduct of the government was such as would give rise to an estoppel between private parties. For such an estoppel to issue, there must be: a lack of knowledge and of means of knowledge of the truth as to the facts in question by the party claiming the estoppel; reliance, in good faith, upon the false representations of the party to be estopped; and, a change in position based thereon to his injury, detriment or prejudice. U.S. v. Aetna Casualty and Surety Co., 480 F.2d 1095, 1099 (8th Cir. 1973); U.S. v. Lennox Metal Mfg. Co., 131 F.Supp. 717, 731 (E.D.N.Y. 1954) aff'd, 225 F.2d 302 (2nd Cir. 1955).

All of the elements of estoppel are present in the instant case. Plaintiff had a lack of knowledge of the effects of her contemplated remarriage on her widow's benefits. Her only means of knowledge of the Social Security Act's requirements was by means of inquiring at the local Social Security office, which she did. She relied, in good faith, on the misinformation given her there: that her remarriage before age 60 would simply result in a reduction of her benefits.

Due to this reliance, appellant remarried before she attained age 60 and this change in position was permanently detrimental to her right to receive widow's disability benefits under the Social Security Act. But for the local Social Security agent's misrepresentation, appellant would have waited the 55 days until her 60th birthday to remarry and would have continued to receive benefits, though in a reduced amount. Instead, she was deprived of her right to the benefits through no fault of her own. Plaintiff's reliance was reasonably based on an affirmative action by a government agent and she had no other notice to inform her that the facts were other than she had been told.* To require plaintiff to seek the aid of an attorney in order to know the detailed requirements of the statute would place an unreasonable burden on the plaintiff. Cf. Corniel-Rodriguez, supra.**

If it were not for the local Social Security agent's misrepresentation, plaintiff would have waited the 55 days until her 60th birthday to remarry and would have continued to receive widow's disability insurance benefits, though in a re-

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*Plaintiff's reliance on the Social Security Administration was especially reasonable in light of the fact that the S.S.A.'s publications regarding benefits directs the beneficiary to contact his local Social Security District Office for information concerning benefits.

**"Unfortunately, unintentional injustices too often can be visited upon the naive albeit honest alien who is understandably unfamiliar with the labyrinthine intricacies of our immigration laws." at 304. Similar fates obviously befall persons unfamiliar with our equally labyrinthine Social Security Act.

duced amount. Instead, she was deprived of her right to the benefits through no fault of her own. Reason and equity require an estoppel when there has been good faith and detrimental reliance. Smale & Robinson, Inc. v. U.S., 123 F. Supp 457 (S.D. Calif. 1954).

> Flexibility in the administrative process is in no way hampered by such application of the doctrine (estoppel) to the government, since flexibility implies the power to adopt and alter future conduct not the power to renege on good faith agreements upon which there has been reasonable and prejudicial reliance. Id., at 467.

Finally, it can be heard that an estoppel will not be allowed if it works a violation of the law. What this rule tries to prevent is not merely a violation of the words of the law but a violation of the purpose of the law and public policy. We must look beyond the strict interpretation of the words of the statute to the governmental policy meant to be achieved by those words. Corniel-Rodriguez, supra.

The legislative history of §202(e) (42 U.S.C. §402 (e)) of the Social Security Act clearly states that the essential purpose of the provision was to benefit widows (like those in plaintiff's position), and to remove a disincentive to remarriage which existed in the prior law.* U.S. Code Cong. & Ad-

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*Section 202(e)(1)(A),(B) of the Act (42 U.S.C. §402 (e)(1)(A),(B)) states that an unmarried widow is eligible for widow's benefits who (i) has attained the age of 60, or (ii) has attained the age of 50 and is under a disability. Section 202(e)(4) of the Act (42 U.S.C. §402(e)(4)) states that such benefits would be reduced if a remarriage occurred after age 60. N.B. The law was amended to include §202(e)(4) prior to

min. News, 1958, 2049 (1965). Remedial legislation like the Social Security Act should be construed and applied broadly. Rosenberg v. Richardson, Docket No. 75-6138 (2nd Cir. June 16, 1976). Thus, the real purpose of the law should not be frustrated. U.S. v. Shubert, 14 F.R.D. 471, 474 (S.D.N.Y. 1953).

It is clear that plaintiff is in the specific category of people whom this statute seeks to protect and benefit and through no fault of her own, her status amounts only to technical non-compliance with the statute and not to a substantive violation thereof. It has been held that the government will be estopped where there is merely technical non-compliance with the statute. In Re La Voie, 349 F.Supp. 68, 72-74 (D.C. V.I. 1972). It is also well accepted that where an estoppel against the government will not disrupt the administration of national policy, Gesturo v. District Director of U.S. Immigration and Naturalization Service, 337 F.Supp. 1093, 1101 (D.C. Calif. 1971), and will not go against the public interest, U.S. v. Lazy FC Ranch, 481 F.2d 985, 989 (9th Cir. 1973), it should be allowed.

The Social Security Administration should be estopped from denying plaintiff widow's disability insurance benefits.

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the addition of (ii) to §202(e)(1)(B). See discussion of Jimenez v. Weinberger, Point II, infra.

POINT II

SECTION 202(e)(1)(A),(B) AND (e)(4) OF THE SOCIAL SECURITY ACT (42 U.S.C. §402(e)(1)(A),(B) and (e)(4)), REGULATING WIDOW'S INSURANCE BENEFITS, ON ITS FACE AND AS APPLIED, VIOLATES AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS TO EQUAL PROTECTION AND DUE PROCESS OF LAW, PRIVACY, AND FREEDOM OF ASSOCIATION BY ESTABLISHING AN ARBITRARY DISTINCTION FOR ELIGIBILITY FOR SOCIAL SECURITY WIDOW'S BENEFITS

Section 202(e)(1) of the Social Security Act (42 U.S.C. §402(e)(1)) establishes benefits for widow's provided: (A) they are unmarried; and (B) they are either: (i) over the age of 60; or (ii) over the age of 50 and disabled within the meaning of the Social Security Act.* Section 202(e)(4), 42 U.S.C. §402(e)(4), states that if a widow remarries after attaining age 60, the marriage will be deemed not to have occurred except that such a widow's benefits will be reduced. Thus, if a disabled widow, as here, remarries prior to attaining age 60, she no longer meets the requirement of §202(e)(1)(A), 42 U.S.C. §402(e)(1)(A), of being unmarried, nor does she fall within the parameters of §202(e)(4), 42 U.S.C. §402(e)( ), and, therefore, her benefits are terminated. It is plaintiff's contention that this statutory scheme violates

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*In order to qualify for widow's disability benefits, an individual must be disabled to the extent that she can no longer engage in any substantial gainful activity. 42 U.S.C. §§402(e)(1)(B)(ii) and 423(d)(1)(A).

the Equal Protection Clause (as read into the Fifth Amendment through the Fourteenth Amendment, Bolling v. Sharp, 347 U.S. 497 (1954)) and Due Process Clause of the United States Constitution.

In this regard, the legislative history of the pertinent section is instructive. Widows, provided they met the age and other requirements, have been beneficiaries of the provisions of the Social Security Act for many years. According to the Act as it existed at least prior to the 1961 amendments, a widow lost her benefits if she remarried (42 U.S.C. §402(e)(1)(D), prior to the 1961 amendments). In 1965, Congress chose to change this provision because it was believed that the loss of benefits upon remarriage acted as a disincentive to marriage for widows who were eligible for Social Security widow's benefits. U.S. Code Cong. & Admin. News (1965), p. 2049. The potential loss of benefits was apparently causing some eligible widows to forego remarriage. As such, 42 U.S.C. §402(e)(4) was amended to provide that widows who remarried after age 60* be deemed not to have remarried for the purposes of the Act except that their benefits would be paid in a reduced amount.

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*At this time, only widows who were in fact over 60 could qualify for benefits, therefore, when 42 U.S.C. §402(e)(4) was amended, it covered all women who were receiving benefits.

Subsequent to this amendment, Congress saw fit for the first time to grant Social Security benefits to disabled widows between the ages of 50 and 60. Congress did not specifically grant persons eligible for these benefits permission to remarry without loss of benefits as they had to aged widows. The history of this provision indicates that this was undoubtedly done through inadvertance. The Senate Finance Committee, in its general discussion of the bill (PL90-248, effective March, 1968) adding benefits for disabled widows clearly stated:

> [the] committee believes that disabled widows ... have no less need for benefits than aged widows. U.S. Code Cong. & Admin. News (1967), p. 2878.

In light of this statement it is fair to assume that Congress would not have intended to make the provisions of the Act more restrictive for disabled widows than for aged widows. Considering the convoluted history of this Act -- the way in which it has been pieced together bit by bit over many years -- it is logical to assume that there have been errors in adjusting new amendments to conform to old amendments. (See discussion of Jimenez v. Weinberger, infra.) In this instance it would appear that Congress simply forgot to exempt disabled widows from loss of benefits upon remarriage.

It is due to this peculiarity of drafting that Con-

gress (though probably unintentionally) has created two classes of persons who, though indistinguishable but for differences in their dates of remarriage, are treated in such opposite ways under the Act.

The exclusion of the plaintiff here thus fits a pattern which has frequently come before the Supreme Court in recent years: the plaintiff is included in the general coverage of the statute (here she is an eligible widow), but, because of a secondary characteristic (here, the date of her remarriage), which is not related to the statutory purpose, is totally excluded from benefits. The Supreme Court has consistently struck down these total exclusions based on secondary characteristics. Weinberger v. Weisenfeld, 420 U.S. 636 (1975); Jimenez v. Weinberger, infra; United States Department of Agriculture v. Moreno, 413 U.S. 528 (1973); Graham v. Richardson, 403 U.S. 365 (1971); Turner v. Department of Employment Security, 46 L Ed 2d 181; Carleson v. Remillard, 405 U.S. 598 (1972); Townsend v. Swank, 404 U.S. 282 (1971).

In Jimenez v. Weinberger, 417 U.S. 628 (1974), the Supreme Court struck down a provision of the Social Security Act (42 U.S.C. §416(h)(3)(B)) as a violation of the Due Process Clause of the Fifth Amendment to the Constitution, because it created a classification that bore no rational relation to the purposes of the Act. The history of the provision

struck down in Jimenez is instructive here. Just as in this case, Jimenez concerned a classification created by an amendment to the Act in 1965, which was originally intended to improve the Act by increasing coverage.

Prior to 1965, illegitimate children were only eligible for children's benefits if they lived in states which allowed them to inherit under the laws of intestate succession, or if their parents had been through an invalid marriage ceremony. The 1965 amendments vastly increased the numbers of illegitimate children who were eligible for benefits. Unfortunately, however, whether through inadvertance or not is unclear, illegitimate children born after their fathers became eligible for benefits were excluded from the coverage. In Jimenez, the plaintiffs, after-born illegitimate children, challenged the exclusion as a denial of due process because the classification of certain after-born illegitimate children bore absolutely no rational relation to the purpose of the Act, which is to provide support to dependents of wage earners, when the wage earners themselves can no longer do so. The Court agreed. The Secretary attempted to provide a rational explanation of the classification in that case (the prevention of spurious claims) but the Court held that the classification was not rationally related to the purposes of the Act because the distinction between children born before and born after the onset of disability

is not rationally related to the children's need for support for benefits. 417 U.S. 628, at 636.

The situation is exactly analogous to the distinction created here between aged widows and disabled widows. There is absolutely no difference, in terms of ongoing need for Social Security benefits after remarriage, between a 61-year-old widow and a 59-year-old disabled widow. Both, according to the statutory scheme of widow's benefits, and according to the legislative history, are unable to work and support themselves. Both are presumed to have been deprived of support by their first husband's death, are equally needy, and therefore eligible for benefits. Yet, irrespective of need for support, disabled widows who remarry prior to age 60 are denied benefits in contravention of both a Congressionally mandated policy to eliminate a socially unacceptable disincentive to marriage and the remedial nature of the Social Security Act. Cf. Rosenberg v. Richardson, supra, at 4185. Such a classification is patently arbitrary, is totally irrational and is, thus, violative of the Due Process Clause of the Fifth Amendment.

Given the nature of the discrimination effected by the statute here in question, plaintiff respectfully suggests that the statute attacked must be subjected to strict scrutiny. Since the statute discriminates in two areas which may not be separated within the confines of this action: it

discriminates on the basis of age and interferes dramatically with the fundamental right to marry*; the statute must fall unless it is necessary to promote a compelling governmental interest. Sherbert v. Verner, 374, U.S. 398 (1963); Oyamo v. Calif., 322 U.S. 633 (1948); Kramer v. Union Free School Dist., 395 U.S. 621 (1969).

Yet the question of which test to apply need not be determinative here. As set forth in the beginning of this memorandum, the distinction created between aged widows and disabled widows is clearly "a patently arbitrary classification utterly lacking in rational justification."

A main thrust of the Secretary's argument below appeared to be that while widows benefits "were designed to provide certain individuals who were dependent on their husbands with some means of support" (defendant's brief below, p. 6), Congress was not obligated to create a more and more comprehensive program in order to meet this end. Cf. Geduldig v. Aiello, 417 U.S. 484 (1974). However, the fact remains

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*It has been held repeatedly that the right to marry is a fundamental right, deep-rooted in our society and is "essential to the orderly pursuit of happiness by free men." Loving v. Va., 388 U.S. 1 (1967). It is one of the basic civil rights of man, Skinner v. Oklahoma, 316 U.S. 535 (1942), and it is protected "as being within the protected penumbra of specific guarantees of the Bill of Rights." Griswold v. Conn., 381 U.S. 479 (1965). It is also a personal right "retained by the people" under the Ninth Amendment, as are the rights to privacy, Griswold v. Conn., supra, and freedom of association under the First Amendment, which are also violated here.

that Congress itself chose to make this program more comprehensive when it granted benefits to disabled widows in 1968. In so doing Congress was obliged to avoid making a classification within the program which discriminates arbitrarily between two groups who are identically situated in relation to the purposes of the program (as Congress itself has stated, see Senate Finance Committee Report, supra.) The question before this Court is, thus, not whether Congress was constitutionally obligated to initially remove the disincentive to remarriage in 1965 or to give disabled widows benefits in 1968, but, rather, whether having done both these things, Congress may arbitrarily apply the remarriage exception to aged widows and not to disabled widows. Clearly, Congress may not do so.

A possibly more egregious result of the statute is that a widow who remarries prior to the age of 60 loses her benefits permanently. They are not restored upon her attaining the age of 60 when even the fiction of a distinction between aged widows and disabled widows has been removed. Thus, if the plaintiff in this case had remarried only two months later than she actually did, she would still be receiving (reduced) benefits and could never lose them. However, due to the date of her remarriage, plaintiff has lost the right to those benefits and has not and cannot reattain them despite the fact that she is now past the age of 60.

Further, it is useful to note that if plaintiff divorced her current husband she would once again receive benefits on her first husband's earnings record. When Congress has seen fit to remove from the Social Security Act a disincentive to remarriage in one instance, it can hardly be the case that under virtually identical circumstances, it seeks to coerce individuals to break their marriage bonds.

CONCLUSION

For all the foregoing reasons, the judgment of the District Court should be reversed and appellant should be granted benefits retroactive to the date of discontinuance in the appropriate amount.

DATED: New York, New York
July 23, 1976

Respectfully submitted,

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